

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 401 OF 2006

St. Peter's Schools & Hostel & Anr.] ..Petitioners

Vs.

1. The Municipal Corporation of Greater]
Mumbai and 6 ors.] ..Respondents

Mr. Navin Parikh with Mr. K.P. Jain and Mr. T. Goradia for the petitioner.

Mr. V.A. Thorat, senior counsel with Mrs. Gauri R. Jadhav for the respondents No.4 and 5.

Mrs. P.A. Purandare for respondents No.1 and 3.

Mr. N.Pandit, AGP, for respondent No.7.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA, JJ.

DATED : 19TH APRIL, 2006

P.C.

. The Petition raises disputed questions of fact as to whether the petitioners today have any right in the property in respect of which they are seeking permission to develop. There seems to be a dispute between the petitioner on the one hand and respondent No.4 on the other, for the construction on the land. Admittedly, petitioners are not owners of the land. Considering the above, in our opinion, the reliefs, as presently prayed

for, cannot be considered. If there be any dispute as to sale of TDR by respondent No.4, it is for the Trustees and/or persons interested to take appropriate proceedings. It is not open to the Writ Court, in exercise of its extra ordinary jurisdiction, to deal with that issue in the Petition as presently constituted.

2. For all the aforesaid reasons, we do not find this to be a fit case where we should exercise our extra ordinary jurisdiction. Hence Petition disposed of.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOB V. MOHTA, J.]